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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Thailand, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 26 December 2001 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your note dated 29 October 2001 requesting Member States to report to the Counter-Terrorism Committee on the steps taken to implement resolution 1373 (2001), I have the honour to transmit herewith the implementation report of the Government of Thailand pursuant to the said resolution (see enclosure).

(*Signed*) Chuchai **Kasemsarn**
Ambassador
Permanent Representative

Enclosure

Thailand's implementation report pursuant to paragraph 6 of Security Council resolution 1373 (2001)

1. Actions taken pursuant to Security Council resolution 1373 (2001)

Operative Paragraph 1
Sub-paragraph (a):

- On 21 December 1999, the Thai Cabinet resolved, pursuant to Security Council Resolution 1267 (1999), to instruct all authorities concerned to comply with the Resolution, including the freezing of transfer of funds or financial resources belonging to the Taliban. To achieve this objective, the Bank of Thailand has circulated a note to all commercial banks and financial institutions requesting their cooperation to comply strictly with the said Cabinet resolution.
- On 16 January 2001, the Thai Cabinet resolved, pursuant to Security Council Resolution 1333 (2000), to instruct all authorities concerned to comply with the Resolution, including the freezing of transfer of funds and financial resources belonging to Mr. Usama bin Laden and persons or entities associated with him as identified by the Security Council Committee, including the Al-Qaida network. To achieve this objective, the Bank of Thailand has circulated a note to all commercial banks and financial institutions requesting their cooperation to comply strictly with the said Cabinet resolution.
- The Security Council Committee's report of 4 April 2001 specifies that Thailand is among 46 countries that has reported the implementation of Security Council Resolution 1333 (2000) to the Committee.

Sub-paragraph (b):

- On 2 October 2001, the Thai Cabinet resolved, pursuant to Security Council Resolution 1373 (2001), to instruct all authorities concerned to comply with the Resolution and to assign the Council of State to consider relevant domestic laws and regulations and, if necessary, to propose amendments thereto in order to implement the Resolution in full.
- On 11 December 2001, the Cabinet approved 2 draft amendments to the Penal Code and Money Laundering Act proposed by the Council of State. The two drafts will be submitted to Parliament for approval at the next parliamentary session which is due to start in early February 2002.
- The draft amendment to the Penal Code defines the scope of terrorism and prescribes the act of terrorism as a serious offence under Thai criminal law. The proposed punishment ranges from a fine of 200,000-1,000,000 Baht to death sentence. Any person who threatens to commit such an offence or is an accomplice thereto would receive the same punishment as the perpetrator of the crime of terrorism. Persons engaging in various forms of attempted commission of the crime are subject to a lesser punishment, ranging from a fine of 60,000-300,000 Baht to 3-15 years of imprisonment.

Sub-paragraph (c):

- The existing domestic laws do not provide a legal basis for the authorities concerned, such as the Bank of Thailand or the Anti-Money Laundering Office, to freeze transfer of funds or financial resources of persons or entities suspected of committing or facilitating the commission of terrorist acts. In this regard, the Bank of Thailand has applied administrative measures by circulating a note to all commercial banks and financial institutions requesting their cooperation to comply with the relevant Security Council Resolutions.
- In order to close this legal loophole, the Council of State submitted draft amendments to the Penal Code and to the Money Laundering Act to the Cabinet on 11 December 2001. The thrust of the draft amendment to the Money Laundering Act is to make terrorist acts under the Penal Code as an offence under the Money Laundering law as well. Once the Parliament approves these two draft amendments, the Anti-Money Laundering Office will be empowered to freeze the transfer of funds or financial resources of alleged terrorists and their accomplices.

Sub-paragraph (d):

- The draft amendment to the Penal Code which stipulates the terrorist act as a serious crime with severe punishment would punish not only perpetrators of the crime but also their accomplices, including persons or entities making funds or financial assets available to them.

Operative Paragraph 2

Sub-paragraph (a):

- The draft amendment to the Penal Code stipulates severe punishment on recruitment of members of terrorist groups and supply of weapons to terrorists, either in the form of direct support or facilitation of the commission of terrorist acts.
- Intelligence and security agencies in Thailand have been on high alert since the 11 September incident. Tight measures are in place to inspect and monitor any movement of terrorists. A watch list of persons who have any connection with terrorist groups was prepared to be shared among all agencies concerned so that they can cooperate to prevent suspects from entering the country.

Sub-paragraph (b):

- All intelligence agencies, be it civilian, military or law enforcement, have accorded high priority to information sharing and networking with their foreign counterparts, especially the U.S. agencies. Since 11 September 2001, all Thai intelligence agencies have intensified their cooperation in the investigation and the search for the suspects of the incident by checking their criminal records and the record of their visit to Thailand, as well as interrogating and monitoring their movement.

Sub-paragraph (c) & (d):

- Thailand has adopted a firm policy in condemning terrorism in all its forms and manifestations. In practice, all authorities concerned have done their utmost to ensure that Thailand will not be used as a base for the commission of any terrorist acts against any other country and that terrorists will never find safe haven in Thailand.
- Article 12 (7) of the Immigration Act (1979) stipulates that the competent Thai authority has the right to deny entry to the Kingdom of any person whose behavior is deemed to be harmful to peace and safety of the public or national security, or being under a warrant of arrest issued by a competent authority of a foreign government.
- After 11 September 2001, all security and law enforcement agencies have stepped up measures to detect, monitor and be alert to any movement of persons or a group of persons who are believed to be associated with terrorist organizations, with a view to preventing them from infiltrating into the country or using Thailand as a base for the commission of terrorist attacks within or outside Thailand.

Sub-paragraph (e):

- The draft amendment to the Penal Code which will be submitted to Parliament for approval at its next parliamentary session early next year is intended to criminalize terrorist acts as serious criminal offences with severe punishment. (For details see 1 (b).)

Sub-paragraph (f):

- The Mutual Assistance in Criminal Matters Act (1992) forms a broad basis for cooperation with other countries in criminal matters; i.e., taking testimony and statements of persons; providing documents, records and evidence for prosecution and search and forfeiture of properties. The thrust of the law is based on principles of double criminality and reciprocity which allow Thailand to extend assistance in criminal matters to virtually every country. The law is supplemented by the Treaties of Mutual Assistance in Criminal Matters that Thailand has with 5 countries ; namely, the United States, Canada, the United Kingdom, France and Norway. Thailand is now in the process of concluding such treaty with Poland.

Sub-paragraph (g):

- All provincial authorities in the border areas are instructed to be on high alert to detect, monitor and be watchful for any movement of terrorists, in order to safeguard the country against illegal entry. Cooperation

between civilian, military and law enforcement agencies in border areas has also been strengthened. In addition, the headquarters of the agencies concerned in Bangkok back up the work of their respective offices with relevant information and intelligence received from international networks.

- As for passport issuance, the Ministry of Foreign Affairs does its utmost to ensure that the procedure in this aspect is up to international standards and takes serious steps to prevent and suppress passport counterfeit. The personal record of each passport applicant is verified through the system linked with the central database of the Civil Registration Office. The passport itself is loaded with several advanced security features, such as high quality paper mixed with visible and invisible fibers, secret UV invisible marks, watermarks on each visa page, digitization of the bearer's portrait, lamination of security film to protect the bio-data page, and stitching with fluorescent thread. Efforts have been made to ensure that all immigration check points are equipped with passport sensor devices to verify the authenticity of each paper and to prevent it from any misuse by international criminals.

- Regulations for visa issuance have been improved. There shall be no issuance of visa in a third country for nationals from certain countries in Africa, the Middle East and South Asia, unless approved by the Ministry of Foreign Affairs on a case-by-case basis. A thorough check on general visa applicants has also been heightened at all Thai embassies and consulates. If any visa applicant is suspected of behavior that may cause security concern to the country, his/her application shall be denied.

- In order to address the growing security concerns, the Cabinet has approved the reduction on the number of countries entitled to exemption of visa requirements for a stay up to 30 days from 57 countries to 37 countries and the number of countries entitled to visa-on-arrival for a stay up to 15 days from 96 countries to 17 countries.

Operative Paragraph 3

Sub-paragraph (a):

- All intelligence agencies in Thailand have increased their existing close cooperation with their foreign counterparts. Information/intelligence sharing on terrorist activities and movement are primary on their agenda.

Sub-paragraph (b):

- The Act on Mutual Assistance in Criminal Matters (1992) provides a basis for Thailand to extend assistance in criminal matters to virtually every country, based on the principles of double criminality and reciprocity. (For detail see 2 (f).)

- The Anti-Money Laundering Office of Thailand has become a member of the EGMONT Group since 2000. The membership has enabled the Office to have access to and exchange information with 57 other members.

Sub-paragraph (c):

- Apart from the Act on Mutual Assistance in Criminal Matters (1992), Thailand also has the Extradition Act of 1929. The Act of 1929 provides another channel of judicial cooperation with other countries. Like the Act on Mutual Assistance in Criminal Matters, the main thrust of the act is also based on the two basic principles of double criminality and reciprocity. It is supplemented by 14 bilateral extradition treaties with friendly countries; namely, the United Kingdom, Belgium, Indonesia, the Philippines, the United States, the People's Republic of China, the Republic of Korea, Laos, Bangladesh, Cambodia, Malaysia, Fiji, Canada, and Australia.

Sub-paragraph (d):

- Thailand has been party to 4 conventions and protocol relating to terrorism concluded in the framework of the International Civil Aviation Organization (ICAO) ; namely, the Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963), the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and the Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988).

- The Minister of Foreign Affairs of Thailand signed the International Convention for the Suppression of the Financing of Terrorism on 18 December 2001. As for the other 7 conventions, the Cabinet resolved on 11

December 2001 to endorse, in principle, for Thailand to be a party to all the remaining conventions relating to terrorism pending the necessary amendments of domestic laws to enable full compliance with each convention.

Sub-paragraph (e):

- Pursuant to the Thai Constitution, before becoming a party to any international agreement, the authority concerned has to ascertain that domestic laws are adequate for the purpose of the full implementation of such agreement. The conventions and protocol to which Thailand has been party have been implemented as part of the Thai municipal law by the Act on Certain Offences against Air Navigation (1978).
- The Royal Thai Government is committed to the United Nations Charter, in particular Article 25 which stipulates that all Member States of the United Nations agree to accept and carry out the decision of the Security Council in accordance with the present Charter. Therefore, Thailand is legally bound by all Security Council resolutions.

Sub-paragraph (f):

- The Ministry of Interior has tightened its registration procedure at all temporary shelter areas to ensure that displaced persons seeking shelter in Thai territory are not members of any terrorist organization.

Sub-paragraph (g):

- There are appropriate security measures at the temporary shelter areas to prevent displaced persons from escape. If found to be in violation of such measures and arrested outside the temporary shelter areas, they will be deported in accordance with the Immigration Act (1979).
- The proposed amendment to the Penal Code, which has been approved by the Cabinet and is in the process to become law will, in effect, deem a terrorist-related offence a non-political one for the purpose of extradition and if not extradited, the accused shall be prosecuted under Thai law for his/her terrorist–related activities.

2. General observation on actions taken by Thailand with respect to the implementation of Security Council resolution 1373 (2001)

2.1 Thailand is fully committed to Security Council Resolution 1373 (2001). On 2 October 2001, just 4 days after the Resolution was adopted, the Thai Cabinet endorsed the Resolution and instructed all authorities concerned to comply. The Council of State has been assigned to scrutinize the relevant domestic laws and regulations and has proposed necessary amendments thereto to ensure that Thailand has the necessary legal framework to adequately support the full implementation of the Resolution. This clearly reflects the resolve of Thailand to join the international coalition led by the United Nations in the fight against terrorism.

2.2 The two draft amendments to the Penal Code and the Money Laundering Act will increase effectiveness of Thai law in dealing with terrorism. The draft amendment to the Penal Code would make Thai laws cover every step in terrorism, including the preparation, the aiding and abettors, and the actual commission of acts of terrorism. The confine of the offence is not territorially limited to acts committed in Thailand, but also includes the commission of terrorist acts aim at other countries or international organizations.

The proposed amendment to the Money Laundering Act that incorporates as a crime under the Act acts of terrorism under the Penal Code will empower the Office of Anti-Money Laundering to promptly freeze the transfer of funds or financial assets of the alleged terrorists or terrorist organization.

2.3 The signing of the International Convention on the Suppression of the Financing of Terrorism on 18 December 2001 reaffirms Thailand's commitment to Security Council Resolution 1373 (2001), especially with regard to financial measures which are the core of the resolution. It also reflects Thailand's determination to cooperate with the international community in the attempt to eradicate all terrorist groups with global reach by cutting off their financial supply. The amendments to the laws as appears in 2.2 will make it easier for Thailand to ratify this Convention in due course.